IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELALTE SIDE

WRIT PETITION NO.3416 OF 2006

M. Valladares. ...Petitioner.

Vs.

Clifford Concescio & Ors. ...Respondents.

.....

Mr.A.K.Abhyankar with Mr.N.V.Mhatre for the Petitioner.

Mr.N.V.Walawalkar with Mr.Sameer Bhalekar for the Respondents. .....

CORAM : DR.D.Y.CHANDRACHUD, J.

June 28, 2006.

P.C. :

The ex-parte decree has been set aside for valid and cogent reasons. The Learned Advocate who appeared on behalf of the Defendants had stopped practice due to a heart ailment and consequently it has been held that there were valid and sufficient grounds for non-appearance of the Defendants in the absence of due notice. No case for interference under Article 227 of the Constitution is made out.

However, having regard to the fact that the suits are of 1994 and the Original Plaintiff is 80 years of age, it is desirable that the suits are disposed of expeditiously. The prayer is not opposed.

In the meantime, the Court has been informed that parties are attempting to resolve the dispute amicably. It is needless to add that if a settlement is arrived at, the parties would be at liberty to take steps before the Trial Court for filing the same on record.

The Trial Judge is requested to endeavour to dispose of the suit expeditiously, preferably by the end of December 2006.

The petition is accordingly disposed of.

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